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CLAUDIA WILKEN
U.S. DISTRICT JUDGESCOTT JAMESON
3503 Andy Street
Long Beach, CA 90805-3907
Ph.: 562-602-2977

30 May 2007

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Your Honor: JUDGE C. WILKEN

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I am writing regarding an issue I am familiar with, i.e., the overcrowding in California prisons, as I believe that someone may be looking into it in your Court. If they are not, I believe they should, regarding the issue herein, as it is unbelievable to me as a veteran and United States Citizen that tens-of-thousands of citizens in our nation that have broken the law and paid the price imposed on them by the Court long ago have been kept as political prisoners by a prison system that has a vested financial interest in keeping as many persons imprisonment -- illegal or not -- as possible. In fact, the California prison system and specifically the California Correctional Peace Officers Association or CCPOA should be charged with criminal racketeering under federal RICO statutes for using actual human beings for capital gains. I speak from experience, as the attached exhibits will show that my brother, who committed an offense in 1982, went to CDCR in 1984, had his Minimum Eligible Parole Date (MEPD) set at 1992 and his Maximum Release Date (MRD; if he did everything wrong and did not earn any credits) set at 26 July 1999 in 1984, is still imprisoned under the Zero Release Policy (fn. 1) 15 years passed his set MEPD and 8 years after what would have been his Maximum Release Date. (PR)

The enclosed is one example of what could be thousands. For political reasons, California Judges have rarely even wanted to admit that the Zero Release Policy exists. Nevertheless, there have been a handful of cases where it has been addressed, only to have the highly political California Supreme Court step in -- against all evidence -- and state it does not exist, because a token few have actually been released. My brother's story is reflective of thousands. A maximum MRD, pursuant to statute (Cal. Code of Regs. (CCR), Title 15, Div. 2, § 2000(b)(64), is defined as the latest date a person can be held in confinement under the DSL (Determinate Sentencing Law enacted in 1977). The language could not be clearer or more mandatory. Yet, as shown by the enclosed, my brother is still being held.

If, due to their offense, a person is not going to have their MRD set, then California law mandates an "Extended Term Hearing" be held within 120 days pursuant to California Penal Code (PC)

1. This "Zero Release Policy" is sometimes erroneously referred to as the "Zero Parole Policy." Although the result is the same, the word "parole" (which is defined as "early release") implies a person is not being released "early." In fact, tens-of-thousands are being told they are not going to

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§ 1170.2. This pre-July 1977 statute was brought to post-June 1977 offenses via PC § 5078. The entire argument is enclosed, but my point is that prison staff are ignoring mandatory and unambiguous statutes in order to keep illegally and unconstitutionally extend sentences over and over and over. Each time my brother goes to an erroneously titled "Subsequent Parole Consideration Hearing," when his parole window closed, as it was finite at a maximum of 5 years, which should be titled Sentence Extension Hearing, it is never a question of release. The only thing that occurs is that the parole board makes up a neverending list of trivial, unjustified, statutorily-violating reasons as to why one should not get released and then picks how many more years they will give -- in violation of the Separation of Powers doctrine. This is a violation of the doctrine, because once the DSL was enacted in 1977, so-called "Life" sentences were repealed and replaced with sentences that had options from, e.g., 15 years to life, with 15 years being the Base Term set by the Court in my brother's case.

I recently read the "Receiver's Report Re Overcrowding" by the Receiver Robert Sillen in Plata v. Schwarzenegger, No. C01-1351-T.E.H., in the USDC Northern District of California (San Francisco) submitted to the Honorable THELTON E. HENDERSON. As expected, the root of all the problems is prison overcrowding. My brother is one of a group of approximately 10,000 that have long exceeded their fixed maximum dates (MRD), but is kept in prison simply to be kept and help empires within empires grow. He entered in his 20s for a second-degree murder (where the deceased died because of medical treatment rather than his wounds) and he is now in his 50s. Just last year, he started experiencing panic and anxiety attacks, which he claims came out of no where. In fact, I am sure it is because of prison overcrowding. Six months ago they signed him to see a psychiatrist and then again a few months later, but, as usual, he has seen no one. His anxiety is from the never being able to get away from people -- ever. He has never committed a violent act in prison, although he himself has been subjected to being assaulted by large groups of organized gang members (he refuses to join one), has been shot by prison guards in the head, and abused in a plethora of ways throughout the years. He has studied a neverending list of vocations and has studied law for twenty years; which is why I have become aware of such issues. No matter what he does and despite the Court fixing his Base Term (see attached exhibits; EXHIBIT A) at 15 years plus 2 years for enhancements and CDCR also fixing his MRD max date upon his commitment to prison, CDCR has become so arrogant, corrupt and, in my opinion, criminal (RICO Act), that he is just kept for the sake of being kept. It is like the story of the Emperor having no clothes on. Everyone seems

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to know about California's "Dirty Little Secret" and the false imprisonment or political imprisonment of its citizens to keep the prisons full, but no one wants to talk about it.

Because of this imprisonment in violation of law, the U.S. Constitution, and basic human rights, thousands languish unnecessarily in California prisons solely for the financial benefit of the CCPOA and the Prison Industrial Complex. Many, like my brother, have jobs, a family, a wife, a home, employment offers and employment skills, have done nothing violent since their offense, but prison staff are simply ignoring mandatory statutory language in a well-known conspiracy to ensure the Zero Release Policy. The standard for parole release is known as the Normal Person Standard, in that PC § 3041 states one year before a Minimum Eligible Parole Date (MEPD) prison officials "shall normally" fix a release date. "Normally" is 99+% (a lightswitch normally turns on a light) and "shall," of course, is mandatory. Instead, less than one percent that go before the release board is given a release date, never one year before their MEPD (§ 3041). This less than one percent group is normally someone that was not directly involved in the offense, but was convicted as an aider and abettor. Barry's MEPD was in 1992, he is going back to this corrupt so-called release board in September of this year, and all they will do, as they have for everyone (absent a token few for almost two decades) is sentence him again to more time.

As you probably know by now, California prison officials and their Governor's solution is to put more persons in prison. Absent ethics and morals, they have absolutely no incentive ever to do one thing to reduce overcrowding. In the Report by Sillen, the Receiver, it states that prison guards are overworked and underpaid, yet many are making over \$100,000 a year and they usually spend at least half-to-three-quarters of their shifts bored and reading magazines or playing dominoes. They are bored from doing nothing, and start at about \$75,000 with a GED or high school education. I am disgusted as a citizen who has worked in the United States Postal Service and run my own business for the past thirty years that prison guards are making \$100,000 a year for sitting around and doing almost nothing, while the real solution -- education -- is being ignored, and teachers are paid next to nothing.

I hope that somehow you will have the courage to inquire as to what is going on, and why persons like my brother are being kept imprisoned under the Zero Release Policy, in direct intent and language of statute. One of my best friends throughout the past couple of decades is a prison guard, and the information I am proffering is not only from my brother and biased, but from my friend. He substantiates what my brother claims, as do a plethora

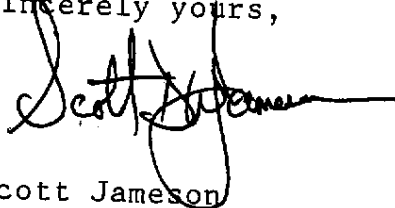
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of Court cases acknowledging the "Zero Parole/release Policy." I find it astounding that this "policy" is discussed year after year, for over a decade in litigation, while actual human beings sit in cells. Animals in this country are not treated in such a manner.

Because of the ongoing issues with overcrowding, I wanted to write and point out the Zero Release Policy. My brother Barry pointed out a case called Greenholtz v. Inmates of the Neb. Penal & Corr. Complex, 442 U.S. 1 (1979). That case discussed the liberty interest created by parole release statutes. What that case does not show is what occurred in Nebraska in 1979 when the Warden and his cronies refused to release persons to keep their prisons full. Barry and I discussed this with a person that was there, in the prison, and the Court ordered the Guard in to physically remove the Warden and his conspirators. They went through the files, and anyone who had not received a disciplinary "ticket" in 6 months and had reached their minimum date was released. In the case of my brother, who gets day-for-day or halftime credits pursuant to Cal. PC §§ 2931/2933/2934, he has 24 years of actual time, will receive another 5 years sentence extension in September, will then have 29 years of actual time with approximately 27 years of credits before he is considered again, which amounts to a total of 56 years credited towards his sentence. His Base Term sentencing guideline range in the C.C.R., Title 15, Div. 2, § 2403(c) is from 15 years (minimum and mitigated) to 21 years (maximum and aggravated) -- prior to reduction of credits. He has served over two maximum Matrix Base Terms already, with no end in sight. No one can read California statutes and justify such.

I pray that you will consider this false imprisonment that violates the Federal Constitution to the core when considering prison overcrowding, and take proactive steps as the Court in Greenholtz did. Your consideration would be appreciated.

Sincerely yours,



Scott Jameson

Enclosures

xc Judge Henderson
Judge Wilkins
Judge Karlton